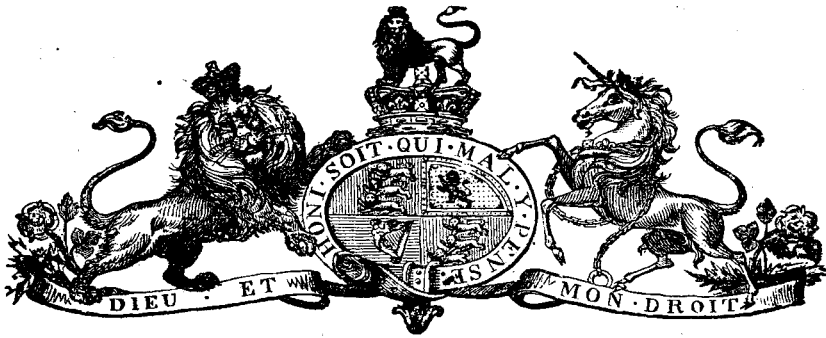


T A S M A N I A.



1889.

ANNO QUINQUAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 24.

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*Repealed 57 Vic No 34*

AN ACT to authorise the Purchase of Land A.D. 1889.  
for the purpose of assisting Mining.

[9 November, 1889.]

**W**HEREAS it is expedient and necessary, for the purpose of PREAMBLE.  
assisting the Mining Industry of the Colony, that Land should be  
obtained to be used as Public Tailings Areas and Sludge Channels, and  
for the purpose of diverting water, and that land suitable for such  
purposes should be acquired and appropriated in manner hereinafter  
mentioned :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,  
by and with the advice and consent of the Legislative Council and House  
of Assembly, in Parliament assembled, as follows :—

**1** This Act may be cited as “The Land for Mining Purposes Act, Short title.  
1889.”

**2** In this Act—

“The Minister” means the Minister of Lands and Works for the Interpretation.  
time being.

**3** The Minister may, if the Governor in Council approves, purchase, Power to Minister  
acquire, and take such land as the Governor in Council may deem to purchase lands.  
necessary for the purposes of Public Tailings Areas and Sludge  
Channels, and for the purpose of diverting water.

*Land for Mining Purposes.*

A.D. 1889.

Power to enter upon lands.

**4** The Minister, his officers and workmen, may at all reasonable times in the day-time, upon giving Twenty-four hours' previous notice in writing to the owner or occupier of any land which is proposed to be taken for the purposes of this Act, enter into and upon such land for the purpose of surveying or valuing the same.

21 Vict. No. 11. incorporated.

**5** *The Lands Clauses Act* shall, except as hereby expressly varied, be incorporated with this Act, but—

i. There shall not be incorporated with this Act the Sections and provisions of the said Act hereinafter mentioned; that is to say,—Section Eight, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; Section Nine, whereby it is provided that the certificate of the Justices shall be evidence that the capital had been subscribed; Section Twenty-three, whereby the mode in which the costs of arbitration are to be borne is prescribed:

ii. In the construction of this Act and the said incorporated Act this Act shall be deemed to be the Special Act, and the Minister shall be deemed to be “the Promoter of the undertaking.”

Notices.

21 Vict. No. 11.

**6** Any notice required to be given by or on behalf of the Queen or the Governor in Council by virtue of the provisions of *The Lands Clauses Act* or this Act, shall be sufficient if signed by the Minister.

Costs of Arbitration, how to be borne.

21 Vict. No. 11.

**7** In any case where land is required for the purposes of this Act, if the Minister, before any steps are taken under *The Lands Clauses Act*, tenders to the person entitled to receive the same, compensation for such land, then if such person refuses to accept the same and to convey the land so required, and a reference to arbitration takes place under *The Lands Clauses Act*, and the Arbitrators or Umpire award a sum not exceeding the amount of compensation so tendered, all the costs of the reference, arbitration, and award shall be paid by such person, and payment thereof may be enforced by action in any Court of competent jurisdiction on a count for money paid at the request of such person.

If either party to an award is dissatisfied therewith a Judge of the Supreme Court may decide thereon.

**8**—(1.) Notwithstanding anything to the contrary contained in any Act, if either party is dissatisfied with the award of the Arbitrators or Umpire and desires to have the compensation settled by a Judge of the Supreme Court, and shall, within Ten days after the making of such award and notice thereof, signify such desire by notice in writing to the other party, then the amount of such compensation shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose; and such Judge may also in his discretion make any order as to the person by whom the costs of such proceedings shall be borne.

(2.) Where the party dissatisfied with the award gives notice to the other party as aforesaid, then such award shall not be made a Rule of Court until such Judge by an order in writing under his hand determines the matter in dispute.

36 Vict. No. 19.

(3.) The Rules made by the Judges of the Supreme Court under “The Main Line of Railway Amendment Act, No. 2,” shall be

*Land for Mining Purposes.*

applicable to all proceedings which shall be taken for carrying out the provisions of this Section. A.D. 1889.

**9** The purchase money of any land taken under the provisions of this Act, and all moneys to be expended under and for the purposes of this Act, shall be appropriated out of moneys provided by Parliament for that purpose. Defrayment of cost.

**10** Notwithstanding anything hereinbefore contained, no land upon which any dwelling-house or the outbuildings used therewith, or any factory or substantial building of any kind is erected, or which constitutes the yard or curtilage or ornamental or other garden attached to any dwelling-house or homestead, or which is required for the proper working of any factory, or which is not distant more than One hundred yards from any dwelling-house or homestead, shall be available under this Act for any of the purposes aforesaid, and no such land shall be affected by service on the owner or occupier thereof of any such notice as aforesaid. Certain land not to be available under this Act.

